

Application No.: 09/820123

Docket No.: SMQ-059 (P5710)

**REMARKS**

No claims have been added, deleted or amended. No new matter has been added. Claims 6-8 and 11-13 are pending, of which claims 6 and 11 are independent.

**Claim Rejections Under 35 U.S.C. §103(a)**

Claims 6-8 and 11-13 were rejected for obviousness pursuant to 35 U.S.C. §103(a). For the reasons set forth below, Applicant respectfully traverses these rejections.

Claims 6-7 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Fields et al (United States Patent Number 6, 347, 943, hereafter "Fields") in view of Walker (United States Patent Number 5, 947, 747, hereafter "Walker").

**Summary of Claimed Invention**

Independent claim 6 (and claims 7-8 which are dependent thereon) is directed to a method performed in an electronic device that provides an on-line educational course. An electronic device receives a request for a web page from a remote client and in response sends a web page to the requesting remote client device. The web page contains a question and an embedded fill-in-the-blank applet. The applet generates a graphical user interface that includes instructions to a user to enter an answer to the question provided by the web page. The applet further includes a definition file, which is unavailable to the user. The definition file defines a correct answer to the question and is separate from a source code for the web page to prevent a user from obtaining the correct answer by viewing the source code.

Independent claim 11 (and claims 12-13 which are dependent thereon) is directed to a computer readable medium for use in an electronic device that provides an on-line educational course. The claimed computer readable medium includes instructions for running a fill-in-the-blank applet for displaying a question and a text box to a user. With the applet running the user can enter an answer to the question in the text box. The computer readable medium further includes hyper-text mark-up language (HTML) code, which includes the question, to reference

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the applet. The computer readable medium also includes a definition file. The definition file is unavailable to the user and indicates a correct answer for the question presented. The definition file is separate from the HTML code to prevent the user from obtaining the correct answer by viewing the HTML code.

#### Summary of Fields

The Fields patent discusses a method and system for creating an individualized course of instruction for each user. The method and system of the Fields patent teaches that if the user answers a question the user has the option of validating the answer immediately. If the user chooses the validation, the assessment mechanism displays the correct answer accompanied by a short explanation and a feedback region. After the user is finished, the assessment mechanism displays just the topics in the knowledge base relating to the questions that the user either failed to answer or answered incorrectly. The user does not have to follow the exact pathway displayed by the assessment mechanism. The displayed topic list permits a user to choose any topic of interest. As admitted by the Examiner in the Office Action, the Fields patent does not teach or suggest a fill-in-the-blank applet embedded in a web page, having a definition file, which is unavailable to the user, defining a correct answer to the question such that the definition file is separate from a source code for the web page to prevent a user from obtaining the correct answer by viewing the source code.

#### Summary of Walker

Walker describes a computer-based method for evaluating test performance of an individual with respect to selected comparative norms. The results of a home test taker are transmitted to a central computer to derive a performance assessment of the test taker. The test results may be encoded to deter fraud prior to being sent to the central computer. Alternatively, the answers may be encoded and sent to the central computer for scoring at the central computer in addition to normalization. Walker does not discuss the use of an applet or a definition file associated with the applet which separates the answers from the source code of a web page containing the applet.

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Argument

The combination of Fields in view of Walker cited by the Examiner fails to teach or suggest all of the limitations of independent claim 6. Specifically, neither Fields nor Walker discusses the use of an applet including a definition file which separates the answers from the source code of a web page containing the applet. While the Examiner has argued that since Fields may be practiced using an applet viewer and therefore would support the use of an applet, the Examiner has also admitted that Fields does not disclose, teach or suggest an applet including a definition file which is unavailable to the user, the definition file defining a correct answer to a question such that the definition file is separate from the source code for the web page in which the applet is embedded, the separation keeping a user from obtaining the correct answer by viewing the source code (see page 3 of Office Action, first full paragraph ). The Examiner suggested that Walker at col. 16, line 59 to col. 17, line 15 discusses the use of an answer key which is stored separately from the test questions being presented to a user and that therefore it would have been obvious to incorporate the storing of an answer key separately from test questions being presented to a user with the system of Fields to arrive at Applicant's claimed invention. Applicant respectfully disagrees for the reasons set forth below.

The section of Walker cited by the Examiner at col. 16, line 59 to col. 17, line 15 discusses the use of an answer key in situations where the downloaded questions are not known in advance and are thus unscorable by the testing computer. Unscored answers from the computer on which the user took the test are transmitted in encoded fashion to the central computer where they are scored using the answer key (see col. 17, lines 1-8).

In contrast to the cited section of Walker, the claimed invention discusses the use of an applet which references a definition file which is separate from the source code for the web page with the embedded applet. Both the applet and the definition file are transmitted to the client device where the grading of the testing takes place. The claimed invention does not require the transmission of the answers to a central computer for the scoring of the test. In the situation where the scoring is done at the testing computer, Walker anticipates a static process where the answer file is not referenced dynamically by the questions since Walker states "To the extent that downloaded questions are not known in advance by the testing computer 200, they will be

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unscorable by the testing computer”(see col. 17, line 1-4). Thus, in Walker there is clearly no reference made by the source code containing the questions to separate answers that is the equivalent of the claimed procedure wherein the applet references the separate definition file. Independent claim 6 requires an applet which includes a separate definition file such that the answers are separate from the source code including the question. The claimed invention therefore allows the definition file to be altered without the need to recompile or rejar the applet because of the dynamic nature of the link. Neither Fields nor Walker includes this limitation. Accordingly, Applicants request the rejections directed to claims 6-7 be withdrawn and the claims allowed.

Claim 8 was rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Fields in view of Walker in further view of Bolton (a number of web pages downloaded from [www.ideaplace.org/tester/fbmaking.html](http://www.ideaplace.org/tester/fbmaking.html) on July 31, 2003, hereafter “Bolton”).

#### Summary of Bolton

Bolton discloses an applet for use in testing that includes a first text box for rendering a question and a second text box having an “answer” label for a user to enter a response to the displayed question. Bolton was cited by the Examiner for teaching an applet tag. Bolton does not disclose teach or suggest an applet which includes a separate definition file such that the answers are separate from the source code including the question.

#### Argument

Claim 8 is dependent upon claim 6 and includes all of its limitations. Since the combination of Fields and Walker fails to teach or suggest the limitation of an applet which includes a separate definition file such that the answers are separate from the source code which includes the question, and since Bolton also lacks this limitation, Applicant requests the rejection be withdrawn and the claim allowed.

Claims 11 and 13 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Bolton in view of Walker. The Examiner again cites Walker for the separately stored answer key. As set forth above however, the process disclosed in Walker is not the equivalent of an

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applet including a separate definition file as required by independent claim 11 (and claim 13 which is dependent thereon). Accordingly, Applicants request the rejections be withdrawn.

Claim 12 was rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Bolton in view of Walker in further view of Fields. Claim 12 is also dependent upon claim 11 and therefore requires the use of an applet including a separate definition file. As previously set forth, none of the cited references disclose, teach or suggest an applet including a separate definition file. Since the combination of references fails to disclose, teach or suggest all of the elements of the underlying independent claim, Applicant requests the withdrawal of the rejection and the allowance of claim 12.

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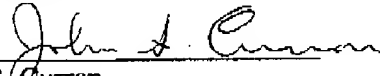
**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SMQ-059 from which the undersigned is authorized to draw.

Dated: July 9, 2004

Respectfully submitted,

By 

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